

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
MICHAEL AND MONICA MCMAHON AND PAMELA HANNOCK
ZONING MAP AMENDMENT REPORT (#FZC-14-04)
AUGUST 27, 2014**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Michael and Monica McMahon and Pamela Hannock for a zoning map amendment in the Blanchard Lake Zoning District. The proposed amendment would change the zoning of the subject property from 'AG-20 Agricultural' to 'SAG-10 Suburban Agricultural.'

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on September 10, 2014 in the 2nd Floor Conference Room of the Earl Bennett Building located at 1035 1st Ave West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning map amendment. Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the Earl Bennett Building at 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Flathead County Clerk and Records Office at 800 South Main Street in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Planning Board

This space will contain an update regarding the September 10, 2014 Flathead County Planning Board review of the proposal.

B. Commission

This space will contain an update regarding the Flathead County Commissioners review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Owner/Applicants

Michael and Monica McMahon
20 Suburban Drive
Shelton, CT 64840

Pamela Hannock
2930 Hierro
San Clemente, CA 92673

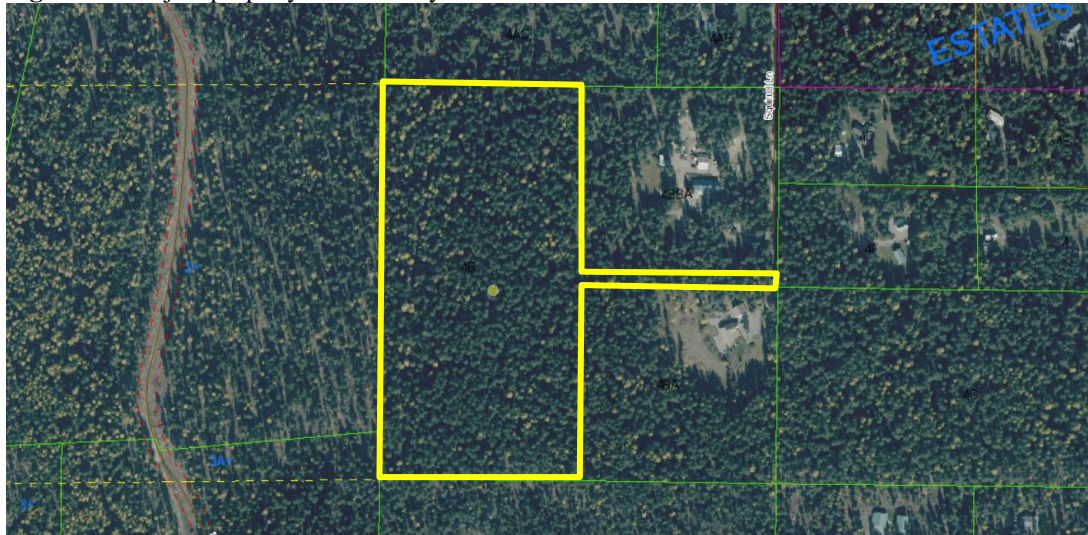
ii. Technical Assistance

Sands Surveying
2 Village Loop
Kalispell, MT 59901

B. Subject Property Location and Legal Description

The subject property consists of one tract totaling 20.492 acres in size and is located at 255 Squirrel Lane as shown in Figure 1 below. The property can legally be described as Tract 4B in Section 23, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property outlined in yellow



C. Proposed Zoning Map Amendment

The subject property is located within the Blanchard Lake Zoning District and is currently zoned 'AG-20 Agricultural' (see Figure 2 below). As depicted in Figure 3 below, the applicant has requested the zoning map amendment for the property to be zoned 'SAG-10 Suburban Agricultural.' The AG-20 designation is defined in Section 3.06 of the Flathead County Zoning Regulations (FCZR) as, '*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*'

The SAG-10 designation is defined in Section 3.07 FCZR as, '*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*'

Figure 2: Current zoning applicable to subject property (highlighted in blue)

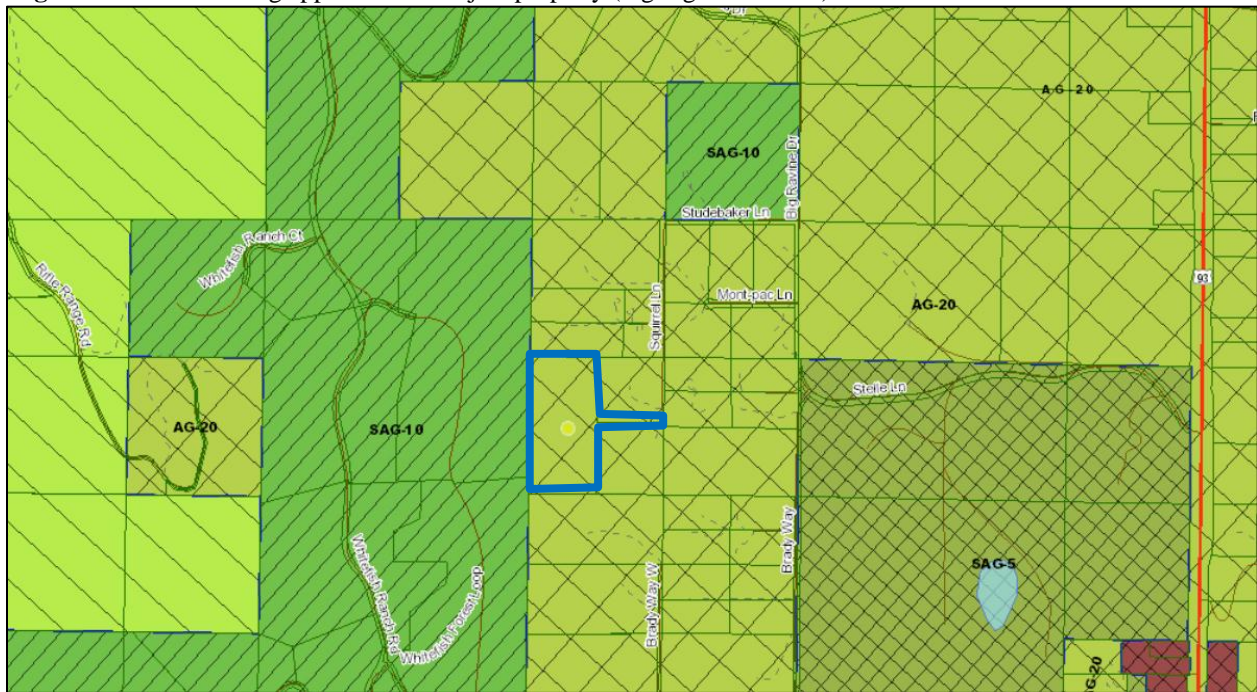
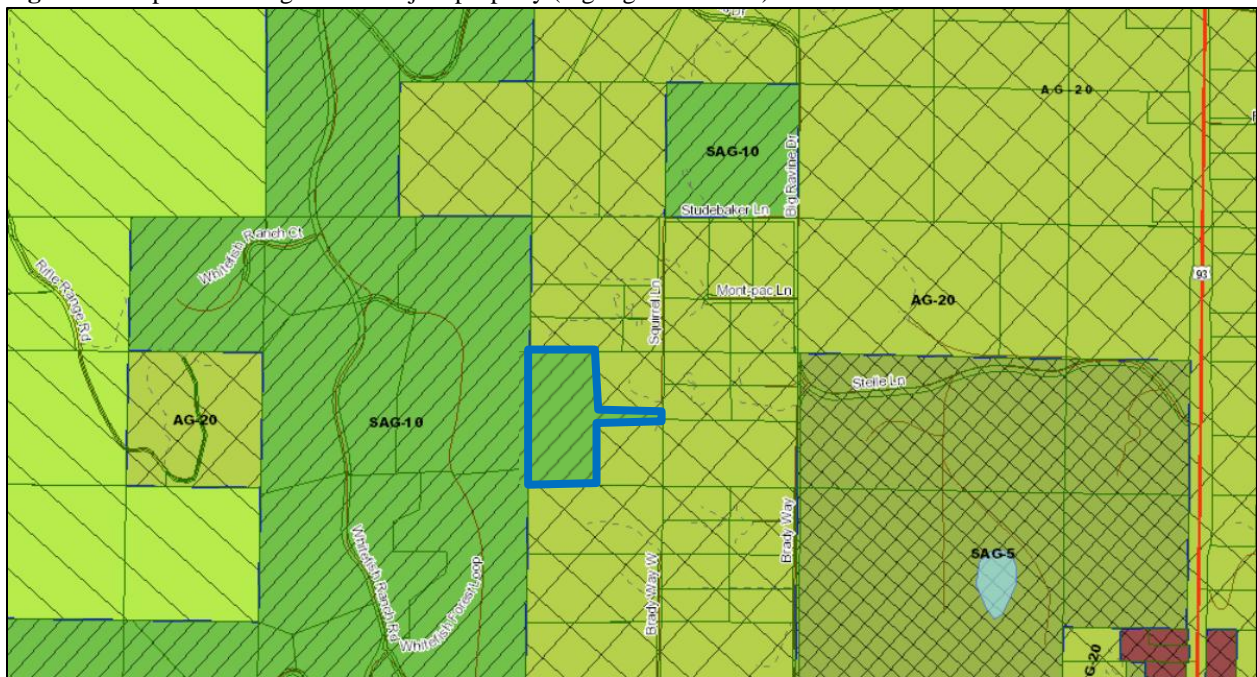


Figure 3: Proposed zoning on the subject property (highlighted in blue)



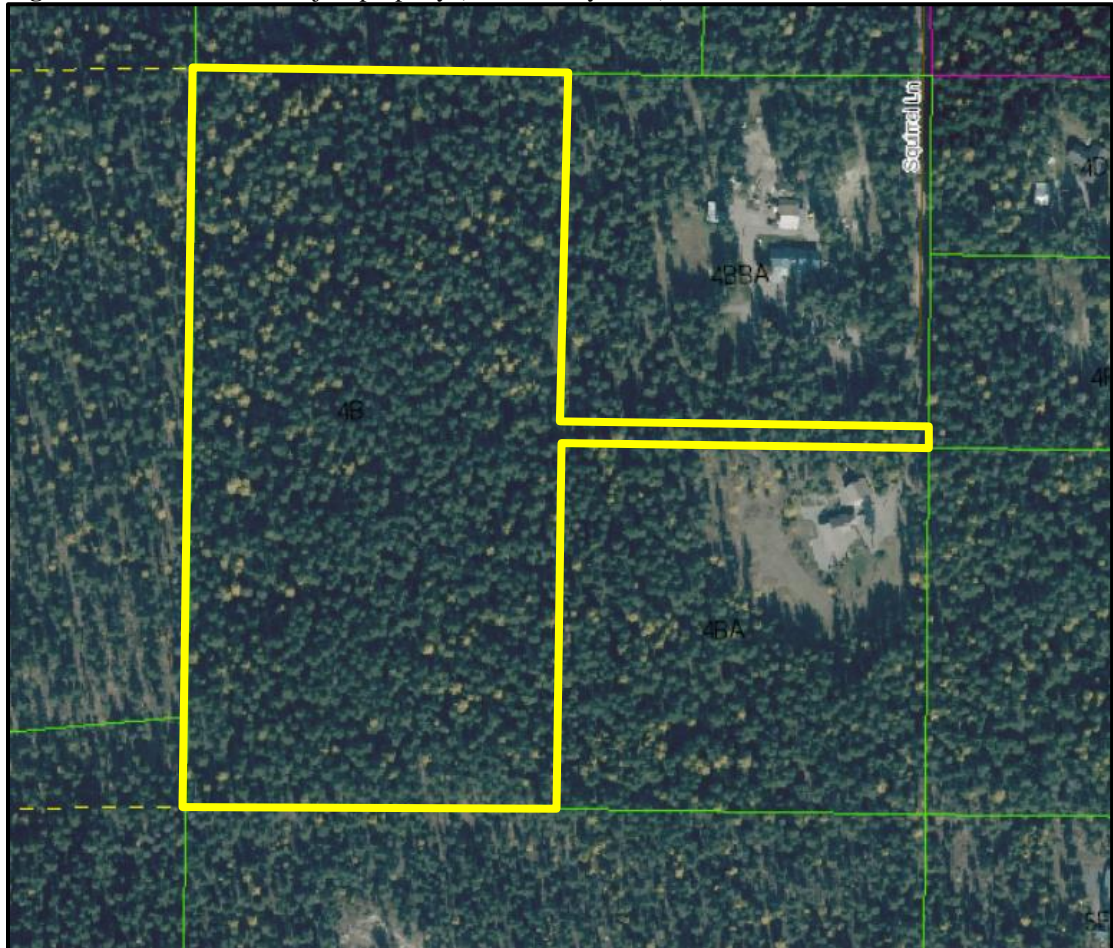
D. General Character of and Reason for Amendment

The property is relatively flat on the east and gradually slopes downhill toward the west side. The property is forested and some clearing has been done recently. The applicant states, “The property is 20.7 acres in size and the applicants would like to split the property. The SAG-10 would allow for the owners to complete a family transfer to give land to their children. The property is directly adjacent to SAG-10

property, so it can be considered to be an expansion of an existing SAG-10 zone.”

The zoning map amendment is being requested because the applicant would like to divide the property to give land to their children. With the current 20 acre minimum lot area and the lot size of 20.492 acres the land owner is unable to subdivide the tract. The proposed SAG-10 zoning if approved would allow the applicant to potentially divide the tract into two lots over 10 acres.

Figure 4: Aerial view of subject property (outlined in yellow)



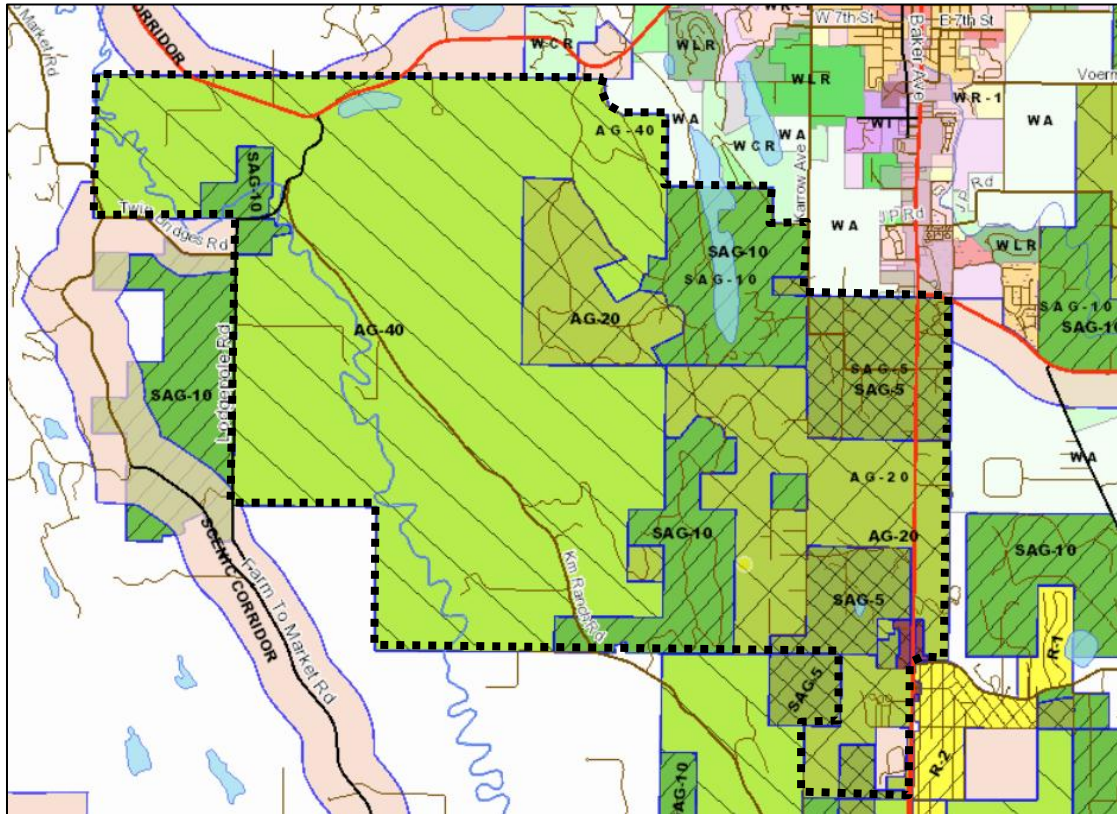
E. Adjacent Zoning and Character of the Overall Zoning District

The subject property is located within the Blanchard Lake Zoning District and surrounded by agricultural and suburban agricultural zones (see Figure 2). The subject property is bordered on the north, south and east by ‘AG-20 Agricultural’ and the properties to the west are zoned SAG-10. Within a ¼ mile east of the subject property is ‘SAG-5 Suburban Agricultural’ zoning and ¼ mile to the northeast is ‘SAG-10 Suburban Agricultural’ zoning, which was recently approved for a zone change (FZC-13-04). The character of the area surrounding the property is rural residential and heavily forested, as illustrated in Figure 4.

The four tracts to the south of the subject property are 20.2 acres in size. The tracts directly to the east range in size from 5.0 to 61.3 acres, with a majority of the tracts

10 acres or less. The tracts to the southeast range in size from 5.0 acres to 158.2 acres with the majority of the tracts being 5 acres. Southwest of the subject property the four tracts average 38.0 acres, west of the property the two tracts average 61.9 acres and to the northwest the two tracts average 64.9 acres, however all the tracts to the southwest, west and northwest are part of a previously approved preliminary plat for 10 acre lots (Whitefish Hills Forest). The tracts to the north range in size from 7.0 acres up to 20.2 acres and average 14.76 acres. Northeast of the subject property the properties range in size from 2.9 acres to 100.9 with the majority of the properties between 2.9 acres and 8.0 acres.

Figure 5: Blanchard Lake Zoning District (outlined with dashed black line & subject property outlined in red).



When an application appears to have the potential for spot zoning, the “three part test” established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a brief review of the three-part test in relation to this application.

i. The Zoning Allows A Use That Differs Significantly From The Prevailing Use In The Area.

The intent of the existing ‘AG-20 Agricultural’ zone is to protect and preserve agricultural land for the performance of a wide range of agricultural functions. The purpose of the proposed ‘SAG-10 Suburban Agricultural’ zone is to provide and preserve agricultural functions and to provide a buffer between urban and

unlimited agricultural use. The proposed SAG-10 would allow for the same uses as the adjacent SAG-10 zoning west of the subject property. One difference between the existing and proposed zoning is minimum lot area, in the existing AG-20 zoning the minimum lot area is 20 acres while the proposed SAG-10 zone has a 10 acre minimum lot area.

The character of the overall zoning district is rural residential, heavily forested with not much agricultural or forestry activities. A majority of the surrounding properties are either vacant or utilized for single family. The proposed zoning map amendment, if approved, would allow for uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and existing on surrounding properties.

ii. The Zoning Applies To A Small Area Or Benefits A Small Number Of Separate Landowners.

Using standard ArcGIS software staff determined that the subject property is located within an AG-20 zoning district approximately 1,630.2 acre in size. The area of the proposed zoning map amendment is 20.492 acres or 1.3% of the existing AG-20 district. Adjacent to the subject property on the west is a SAG-10 zoning district which is approximately 619.1 acres in size. If the zone change is approved the total SAG-10 district to the west would be enlarged and become approximately 639.6 acres. So even though the property is only 20.492 acres and applies to one land owner the zone change would expand the existing SAG-10 designation currently west of the subject property.

iii. The Zoning Is Designed To Benefit Only One Or A Few Landowners At The Expense Of The Surrounding Landowners Or The General Public And, Thus, Is In The Nature Of Special Legislation.

The subject property is currently owned by a single landowner however, the permitted and conditional uses listed within a SAG-10 zone are similar to the permitted and conditional uses in the current AG-20 zone. The only permitted use in AG-20 not allowed in SAG-10 is 'Fish hatchery,' and a 'Kennel' is permitted in AG-20 but requires a Conditional Use Permit (CUP) in SAG-10. AG-20 allows for an 'Animal farm,' 'Communication tower/mast,' 'Feed and Seed processing and cleaning,' 'Feed lot: cattle, swine, poultry,' and 'Radio and television broadcast studio' with the issuance of a CUP but those uses are not permitted or conditionally permitted in SAG-10. The SAG-10 zone allows for 'Aircraft hangers,' 'Community residential facility,' 'Golf course,' 'Golf driving range,' and 'Manufactured home park' with the issuance of a CUP but those uses are not allowed in the current AG-20 zone. As previously stated the subject property is adjacent to a large SAG-10 district and the same uses that are allowed within the adjacent SAG-10 to the west would be allowed within the proposed SAG-10. The zoning map amendment would allow uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and the suburban agricultural zoning of the surrounding area.

In summary, all three criteria must be met for the application to potentially be considered spot zoning. The proposed zoning map amendment does not appear to be at risk of spot zoning, as it does not appear to meet all three of the criteria.

Finding #1: The proposed zoning map amendment from AG-20 to SAG-10 does not appear to constitute spot zoning because the proposed zone change would allow for the same uses permitted throughout the existing SAG-10 zoning to the west, similar uses to what is allowed within the existing AG-20 and maintains the rural character of the overall zoning district.

F. Public Services and Facilities

Sewer:	N/A
Water:	N/A
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Whitefish School District Whitefish High School District
Fire:	Whitefish Rural Fire District
Police:	Flathead County Sheriff's Office

G. Criteria Used for Evaluation of Proposed Amendment

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

H. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on August 20, 2014. Legal notice of the Planning Board public hearing on this application was published in the August 24, 2014 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A.]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed change, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

I. Agency Referrals

Referrals were sent to the following agencies on July 15, 2014:

- Bonneville Power Administration
 - Reason: BPA has requested that they receive a copy anytime agency referrals are sent.
- City of Whitefish Planning Department

- Reason: The subject property is located outside of the City of Whitefish's planning jurisdiction.
- Flathead City-County Health Department; Environmental Health Services
 - Reason: Increased development as a result of the zoning map amendment may necessitate review by the Department.
- Flathead County Public Works/Flathead County Road Department
 - Reason: The zone change request has the potential to impact County infrastructure.
- Flathead County Sheriff
 - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing services.
- Flathead County Solid Waste
 - Reason: The type and amount of solid waste resulting from uses permitted within the proposed zoning map amendment area could have an impact on existing public services.
- Flathead County Weeds and Parks Department
 - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing public services.
- Montana DNRC
 - Reason: Increased development as a result of the zoning map amendment may impact natural resources in the area.
- Montana Fish, Wildlife, and Parks
 - Reason: Increased development as a result of the zoning map amendment may impact wildlife in the area.
- Whitefish School District
 - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing school services.
- Whitefish Rural Fire District
 - Reason: The subject property is located within the jurisdiction of the local fire district and increased development as a result of the zoning map amendment could impact the level of service available.

III. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for September 10, 2014 and/or the Commissioner's Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bonneville Power Administration
 - Comment: “BPA does not have any objections to the approval of this request at this time.” Email dated July 22, 2014.
- Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated July 17, 2014.
- Montana Department of Natural Resources and Conservation
 - Comment: These comments recognize that the proposed Zone Change is located within the Wildland Urban Interface where wildfires can and do occur, and reflect the interest in wildland fire protection within areas of direct forest fire protection on the Kalispell unit, Montana DNRC. Our interest is in minimizing risk of wildfire ignition and spread considering the increase in potential ignition sources both during and after completion of development. [...]” Letter dated July 29, 2014
- Montana Fish, Wildlife and Parks
 - Comment: “Montana Fish, Wildlife & Parks has no comment regarding the above project.” Letter dated July 29, 2014.

IV. EVALUATION OF PROPOSED AMENDMENT

A. Build Out Analysis

Once a specific zoning designation is applied in a certain area, landowners have certain land uses that are allowed “by-right.” A build-out analysis is performed to examine the maximum potential impacts of full build-out of those “by-right” uses. It is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not “best-case” or “worst-case” scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

i. Current Zoning

The proposed zoning map amendment would change the zoning designation on the subject property from ‘AG-20 Agricultural.’ AG-20 is defined in Section 3.06 FCZR as, ‘*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*’ The following is a list of permitted uses in an ‘AG-20 Agricultural’ zone:

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.

3. Class A and Class B manufactured home.
4. Cluster housing.
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Guest house.
9. Fish hatchery.
10. Home occupation.
11. Homeowners park and beaches.
12. Kennel.
13. Livestock.
14. Nursery, landscaping materials.
15. Park.
16. Produce stand.
17. Public transportation shelter station.
18. Public utility service installation.
19. Ranch employee housing.
20. Riding academy, rodeo arena.
21. Stable, public and private.

The following uses are listed as conditional uses in an 'AG-20 Agricultural' zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Airport.
2. Animal farm.
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center.
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Communication tower/mast.
10. Community center building operated by a non-profit agency.
11. Contractor's storage yard.*
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.
15. Feed and seed processing and cleaning.
16. Feed lot: cattle, swine, poultry.
17. Radio and television broadcast studio.
18. Recreational facility, low-impact.
19. School, primary and secondary.
20. Temporary building or structure.*
21. Water and sewage treatment plant.
22. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

The bulk and dimensional requirements in the AG-20 zoning requires a setback from boundary lines for the principal structure of 20 feet from the front, rear, side and side-corner. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet from the rear and side. Additionally there are provisions for reduced setbacks for non-conforming lots when the width of the lot is less than 200 feet, 150 feet or 50 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The maximum allowable building height is 35 feet for all structures and the permitted lot coverage is 20%. The current AG-20 zoning requires a minimum lot area of 20 acres. The subject property totals 20.492 acres and could not be subdivided further under the current zoning.

ii. Proposed Zoning

As previously stated, the applicant is proposing ‘SAG-10 Suburban Agricultural’ zoning. SAG-10 is defined in Section 3.07.010 FCZR as, “*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*” The following is a list of permitted uses in an SAG-10 zone:

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home.
4. Cluster housing.
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Guest house.
9. Home occupation.
10. Homeowners park and beaches.
11. Livestock
12. Nursery, landscaping materials.
13. Park and publicly owned recreational facility.
14. Produce stand.
15. Public transportation shelter station.
16. Public utility service installation.
17. Ranch employee housing.
18. Riding academy, rodeo arena.
19. Stable, public and private.

The following uses are listed as conditional uses in an ‘SAG-10’ zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Airfield.

2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center.
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Community center building operated by a non-profit agency.
10. Community residential facility.**
11. Contractor's storage yard.*
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.
15. Golf course.
16. Golf driving range.
17. Kennel, commercial.*
18. Manufactured home park.
19. Recreational facility, low-impact.
20. School, primary and secondary.
21. Temporary building or structure.*
22. Water and sewage treatment plant.
23. Water storage facility.

The bulk and dimensional standards under SAG-10 zoning requires a setback from the boundary line of 20 feet for the front, rear, side and side-corner for the principal structure. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet from the rear and side. There are also provisions for reduced setbacks for non-conforming lots when the width of the lot is less than 200 feet, 150 feet or 50 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The proposed SAG-10 zoning requires a minimum lot area of 10 acres. The subject property totals 20.492 acres and under the proposed SAG-10 zoning 2 lots could be created, 1 more than what would be permitted in the current AG-20 classification.

In summary, the requested zone change from AG-20 to SAG-10 has the potential to increase density, by allowing one additional lots through subsequent divisions in the future. The bulk and dimensional requirements are the same from AG-20 to SAG-10 and the zoning map amendment would allow uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing AG- 20 and SAG-10 zoning.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). Additionally the property is located within the Whitefish City-County Master Plan 2020, adopted on February 6, 1996 by the Flathead County Commissioners (Resolution #677-G) and the City of Whitefish on February 20, 1996 (Resolution #96-3).

1. Flathead County Growth Policy

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as ‘Agricultural.’ The proposed Suburban Agricultural zoning classification would appear to contrast with the current Agricultural designation. However, Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, “This map depicts areas of Flathead County that are legally designated for particular use. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plan. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map.” Therefore, staff interprets this to mean the Designated Land Use Map is not a future land use map that implements policies, but rather a reflection of historic land use categories. If the zoning map amendment is approved the Designated Land Use Map can be updated by staff to reflect changes made by the County Commissioners based on policies, rather than maps in the document.

Following is a consideration of goals and policies which appear to be applicable to the proposed zone change, to determine if the proposal complies with the Growth Policy:

- ❖ G.2 – Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.
- ❖ G.4 – Preserve and protect the right to farm and harvest as well as the custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land uses.
 - The SAG-10 designation allows for agriculture and forestry and provides the land owner with more flexibility when it comes to a minimum lot area.

- ❖ G.8 – Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and welfare of neighbors and efficiently provide local services.
 - The SAG-10 designation would allow for densities of 1 dwelling units per 10 acres and would likely not require public services. There are neighboring properties less than 10 acres and uses permitted in SAG-10 are similar to uses allowed in the current and surrounding AG-20.
- ❖ G.31 – Growth that does not place unreasonable burden on the school district to provide quality education.
 - No comments were received from the Whitefish School District and it appears the proposal would not adversely impact area school districts because the population of the school district has decreased over the last ten years.
- ❖ G.32 – Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.
- ❖ G.33 – Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.
 - This report contains discussion on the adequacy of emergency service below.
- ❖ G.46 – Honor the integrity and purpose of existing neighborhood plans respecting the time and effort of the community involvement that has taken place.
 - This report contains discussion on the Whitefish City-County Master Plan below.

Finding #2: The proposed zoning map amendment from AG-20 to SAG-10 generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the ‘Agriculture’ land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.

2. Whitefish City-County Master Plan

The Whitefish City-County Master Plan Map (Master Plan) identifies the subject property as ‘Limited Rural Residential.’ The proposed Suburban Agricultural zoning classification appears to contrast with the ‘Limited Rural Residential’ designation because Policy 8.12(c)(1) of the Master Plan defines ‘Limited Rural Residential’ as, “Residential Density of one dwelling unit per 20 or more acres” and the proposed zoning would allow for 10 acres minimum lot sizes. According to the applicant, “The proposed SAG-10 with a maximum density of one unit per 10 acres, conforms to many of the recommendations of the Master Plan in that it is rural designation that anticipates large lots and agricultural/timberland uses.”

The Master Plan serves as a localized planning tool for the area surrounding the City of Whitefish. The Master Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. The Master Plan is composed of two major components, the text and the map. According to the introduction on page 3 of the Master Plan, “both the text and the map are equally important and must be equally weighed.”

- Policy 2.1 – Minimize development density on environmentally sensitive lands and critical wildlife habitat.
 - The applicant states, “The subject property is not located on sensitive land; there are no surface waters, wetlands, hydric soils, etc. on the property. As with everything in the Flathead Valley, the property is mapped as Whitetail Winter Range by Fish, Wildlife and Parks, however the 10 acre lots should still provide habitat for Whitetail Deer.”
- ❖ Goal 5A – Decent and safe living environments for low, medium and high density housing.
 - This proposed zone change would allow for additional low density housing, and roads and services are available to the subject property.
- ❖ Goal 5B – An adequate supply and mix of housing options in terms of cost, location, type and design, to meet the needs of present and future residents.
 - This proposed zoning would allow for additional housing and has the potential to add to the supply and mix of rural housing options in terms of cost, location, type and design, to meet the needs of present and future residents.
- ❖ Goal 5G – Residential development which does not excessively burden the local government and is adequately served by public facilities and services.
 - The proposed zone change will likely not burden the local government because the property would not be served by water and wastewater but can be serviced by onsite sewer and water on 10 plus acre lots.
- Policy 5.3 – All residential areas shall be served by suitable public roads and the basic emergency services such as fire, police and ambulance.
 - The subject property is currently serviced by the Whitefish Rural Fire Department, the Flathead County Sheriff’s Office and is located approximately 3.8 miles from the North Valley Hospital, and roads and services are available to the subject property.
- Policy 5.9 – Conserve open space within the City as well as in rural areas.

- The SAG-10 designation allows for large lots and it is likely that a majority of the lot will remain open space at full build-out.
- ❖ Goal 8B – Conserve agricultural lands by allowing their limited conversion only if those are not productive or are needed for proper urban expansion.
 - The application states, “The proposed zone change is located on lands that do not and have never produced a crop. The applicant used to be surrounded by corporate timber lands but those lands were sold 20 years ago and have become subdivisions of Whitefish Hills, Whitefish Hills Forest and Whitefish Hills Village. The proposed SAG-10 designation is in character with the surrounding land uses and zoning designations.” Even though the property is designated as ‘Limited Rural Residential’ which is listed in the Master Plan as agriculture the property has not historically been used as agriculture and therefore could not be considered productive agricultural lands.
- Policy 8.1 – Important, productive farm lands which are not in the urban growth area of a City, which are not presently served by community sewer or water systems, and which are not already excessively impacted by existing or impending (approved) development shall be preserved as a highest priority.
 - The property is not serviced by community sewer nor water systems but has not historically been used as agriculture and therefore could not be considered productive farm lands.
- Policy 8.3 – Growth shall be directed to already established urban areas which are not environmentally sensitive or productive agricultural lands.
 - The subject property is not currently or has it historically been utilized for farm land or designated as important farm lands or sensitive area by the Master Plan map. Although the subject property is rural the zoning map amendment would allow for 10 acre lots in an area not environmentally sensitive or productive agricultural land.
- Policy 8.4 – Extending municipal services and roads into agricultural lands which would result in the premature development of such areas shall be avoided.
 - The applicant states, “Stelle Lane and Big Ravine Drive have been reconstructed and paved to County Standards by the developer of Whitefish Hills. The subject property is located on Squirrel Lane, which is a gravel private road in good condition. This road system provides excellent access to the subject property.” No other municipal services are to be extended to the property.

- Policy 8.8 – Avoid the use of large-lot, zoning techniques in important, productive farmland areas that have the result of creating lots too small to conventionally farm yet too large to domestically maintain. Avoid creation of tracts of two to ten acres.
 - The subject property is not currently farm land, has not historically been used as farm land and is not classified as important farm lands by the Master Plan map.
- Policy 8.12(c)(2) – This designation is characterized by rural residential uses or by scattered farming, grazing, or timber lands which do not meet the criteria described above for important farmlands and important timber lands.
- Policy 8.12(c)(3) – This designation is intended to provide lands for limited development which avoids inefficient and inadequate provision of public services and infrastructure and densities incompatible with the surrounding area.
- Policy 8.12(c)(4) – Avoid extension of sewer and water utilities into these areas, in order to prevent premature development.
 - According to the application, “The subject property is identified in the Upper Flathead Valley Soils Survey as Whitefish cobbly silt loam (Ws) with a soils capability rating of VIe-1. Only class I through IV are considered prime and these soils. The Class VIe-1 soils generally are unsuitable for cultivation but they can grow trees. Secondly, the infrastructure for suburban development is in place with good road access, proximity to schools and services in Whitefish and located in the Whitefish Fire Service Area. The applicant is not proposing to extend sewer and water facilities into this area but will use on-site sewer and water systems.” The subject property is not currently farm land, has not historically been used as farm land and is not classified as important farm lands by the Master Plan map. The proposed SAG-10 zoning would not require the extension of sewer and water utilities.

The proposed zoning map amendment does not appear to comply with the Master Plan map however the proposed zoning map amendment is generally supported by the text of the Master Plan.

Finding #3: The proposed zoning map amendment from AG-20 to SAG-10 does not appear to comply with the Whitefish City-County Master Plan Map Year 2020 because the proposed zoning classification is not compatible with the future land use map designation of ‘Limited Rural Residential’ which calls for densities of one dwelling unit per 20 acres or more and the SAG-10 requires a density of one dwelling per 10 acres or more.

Finding #4: The proposed zoning map amendment appears to comply with the overall text of Master Plan because the property is not located in an area designated as important farm lands, has not been historically used as farm

land, is not considered productive agricultural lands, and development of 10 acre lots would not require the extension of public services.

ii. Whether the proposed map amendment is designed to:

1. Secure safety from fire and other dangers;

The subject property is located within the Whitefish Rural Fire District and the nearest fire and emergency response center is located approximately 4.2 miles southeast of the property at the intersection Whitefish Stage and Hodgson Road. The Whitefish Rural Fire Department would respond in the event of a fire or medical emergency. The Whitefish Rural Fire Department did not provide comments on this proposal. The applicant states, “The subject property is within the Whitefish Fire Service Area. Whitefish Hills has a tanker recharge facility in Blanchard Lake approximately 1.25 miles north of the subject property.”

The subject property is located in the Wildland Urban Interface (WUI) and designated as County Wide Priority Area. According to the Flathead County Growth Policy, “The WUI is commonly described as the zone where structures and other human development meet and intermingle with undeveloped forests. This WUI zone is comprised of private and public lands and can pose risks to life, property, and infrastructure in associated communities if not mitigated.”

Comment provided by DNRC state, “Consider following Firewise Construction guidelines or those outlined in International Wildland Urban Interface code (noncombustible materials, enclosed eaves and soffits, etc.). [...] annual maintenance to clear roofs, gutters, eaves of leaves and other debris as well as reassessment and continued thinning of vegetation and re-growth. We recommend: continuing to separate tree canopies, creating “islands” of bushy vegetation, and pruning tree branches eight feet from the ground to remove ladder fuels.” The property is heavily forested but the applicant has recently worked on thinning vegetation, however there remains a large pile of downed trees.

Primary access to the property is currently via Squirrel Lane via Studebaker Lane and Big Ravine Drive. Squirrel Lane is a private gravel road within a 60 foot easement, Studebaker Lane is a gravel two lane private road within a 30 foot easement and Big Ravine Drive is a paved two lane local county road within a 60 foot easement. All three roads appear adequate to provide ingress and egress for emergency services.

The subject property appears to be mapped as unshaded Zone X, areas determined to be outside the 0.2% annual chance floodplain on FEMA FIRM Panel 30029C1405G.

Finding #5: The proposed map amendment is not specifically designed to secure safety from fire because it would allow for an additional house in the WUI, however, emergency services are available, and other agency comments indicate defensible space can be used as mitigation, the combination of which lowers the risk to an acceptable level.

Finding #6: The proposed map amendment would secure safety from flood risk because the property is not in the 100 year floodplain.

2. Promote public health, public safety, and general welfare;

The subject property is located within the Whitefish Rural Fire District. The property is located about 4.2 miles northeast of the nearest fire and emergency response center, which is located at the intersection of Whitefish Stage and Hodgson Road. The Whitefish Rural Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the subject property.

According to the applicant, "The proposed SAG-10 zoning classification provides the same setbacks and height standards as the existing AG-20 and very similar land use restrictions. The uses permitted and conditionally permitted by the Flathead County Zoning Regulations for the AG-20 (existing) and SAG-10 (proposed) are almost identical with the exception that the AG-20 allows Fish Hatcheries, Kennels and Nurseries as permitted uses but not in the SAG-10. The AG-20 allows, with a Conditional Use Permit (CUP), Feed and Seed processing Plants and Feed Lots whereas the SAG-10 does not but the SAG-10 allows Golf Courses, Kennels and Manufactured Home Parks with a CUP. Most of these conditional uses would not fit or be appropriate for this area anyway." Staff generally agrees with this statement since emergency service providers can anticipate likely emergencies based on similar existing and proposed uses. The SAG-10 zoning classification would allow for similar uses to what already exists in the area and what is allowed within in the current and neighboring AG-20 designation, therefore the zone change is not anticipated to adversely impact public health, safety or welfare.

Finding #7: The proposed zoning map amendment would not have a negative impact on public health, safety and general welfare because the property is served by the Whitefish Rural Fire Department, Flathead County Sheriff, future development would be similar to uses already permitted and conditionally permitted in the current AG-20 zoning, and emergency service providers can anticipate likely emergencies based on similar existing and proposed uses.

3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

It is anticipated that actual future development would include subdivision review, at which time specific impacts to transportation, water, and sewer services would be considered and mitigated as determined to be appropriate. However, this zone change request is also an opportunity to assess if the property and public infrastructure could handle impacts associated with the proposed zone change.

Primary access to the property is currently via Squirrel Lane via Studebaker Lane and Big Ravine Drive. Squirrel Lane is a private gravel road within a 60 foot easement, Studebaker Lane is a gravel two lane private road within a 30

foot easement, and Big Ravine Drive is a paved two lane local county road within a 60 foot easement.

Studebaker Lane and Squirrel Lane are private roads and no traffic counts are available. Staff calculated estimated average daily traffic (ADT) using a standard trip generation of 10 trips per single family dwelling. Given that about 8 properties are located on Squirrel Lane, Squirrel Lane would have approximately 80 ADT and as 11 properties use Studebaker Lane for access, Studebaker Lane would have approximately 110 ADT. The subject property could be divided into 2 lots. Based on projected land uses arising from the proposed zone change this proposal would likely generate an additional 10 ADT.

Traffic counts are not available for Big Ravine Drive from the Flathead County Road and Bridge Department. However, comments received from the Flathead County Road and Bridge Department stated, “At this point the County Road Department does not have any comments on this request.” It is anticipated that because Studebaker Lane and Squirrel Lane are gravel two lane roads, Big Ravine Drive is a paved two lane county road, the Road and Bridge Department has no comment, and given the low estimated traffic generated by this proposal, there appear to be an adequate provision of transportation.

The applicant has stated that the subject property will be serviced by individual sewer and water systems. The applicant will be required to work with Flathead City-County Health Department to develop an on-site well and sewer system to meet the needs of any future development. No comments were received from the Flathead City-County Health Department.

The subject property is located within the Whitefish School District. Whitefish Elementary Schools have seen a decline of 11% in student enrollment over the last ten years and declined of 3% between 2012 and 2013. Whitefish High School has decreased 33% in student enrollment over the last ten years and declined 4% between 2012 and 2013. Additionally, Central School recently completed a major remodel and voters recently approved a bond to renovate the High School. Agency referrals were sent to the Whitefish School District but no comments were received regarding the proposal. It is anticipated that the school would have capacity should any growth occur as a result of the proposed zoning map amendment.

The zoning map amendment would change the current 20-acre minimum lot size to a smaller 10-acre minimum lot size, it is anticipated subsequent future development would require review and parkland would not be required at that time because the lots created would be greater than five gross acres in size. There are numerous parks, natural areas, and recreational opportunities within a short drive of the subject property.

Finding #8: The proposed zoning map amendment would facilitate the adequate provision of transportation because the existing infrastructure appears adequate to accommodate the change in zoning, the County Road

Department had no comments regarding this proposal and the traffic generated from this proposal would be approximately 10 average daily trips.

Finding #9: The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review, the proposal may generate school children which the school districts would be able to accommodate and there are numerous parks, natural areas, and recreational opportunities in the vicinity.

iii. In evaluating the proposed map amendment, consideration shall be given to:

1. The reasonable provision of adequate light and air;

Any additional lots created or structures constructed would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot area requirements of the SAG-10 zoning classification. The maximum building height within the proposed SAG-10 zone is 35 feet and the maximum building height of the existing AG-20 zone is 35 feet. Permitted lot coverage is 20% for both the proposed zoning classification and the existing zoning classification. The minimum lot area for SAG-10 is 10 acres and the minimum lot area for the existing AG-20 is 20 acres. The proposed zoning map amendment has the potential to double development density on the subject property.

The application states, “The proposed SAG-10 zoning designation has a minimum lot size of 10 acres and identical setbacks to the AG-20 that the applicants propose to replace.” The setbacks within the SAG-10 zoning classification have a minimum yard requirement of 20 feet from the front, rear, side and side-corner for principal structures and a minimum yard requirement for accessory structures are 20 feet from the front and side-corner, and 5 feet from the side and rear. A 20 foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries. An additional 20 foot setback is required collector and arterial roads and reduced setbacks are applicable to non-conforming lots. The setbacks for the proposed zoning classification are identical to those of the current zoning. The bulk and dimensional requirements for the SAG-10 designation have been established to provide for a reasonable provision of light and air.

Finding #10: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed SAG-10 designation.

2. The effect on motorized and non-motorized transportation systems;

Primary access to the property is currently via Squirrel Lane via Studebaker Lane and Big Ravine Drive. Squirrel Lane is a private gravel road within a 60 foot easement, Studebaker Lane is a gravel two lane private road within a 30 foot easement and Big Ravine Drive is a paved two lane local county road within a 60 foot easement. According to the applicant, “The subject parcel

has direct access to Big Ravine Drive which is paved and constructed to county standards within a 60-foot road right-of-way. The road network provides good access for vehicles and with the very low traffic volumes provides good access for bike and pedestrian use.”

Studebaker Lane and Squirrel Lane are private roads and no traffic counts are available. Staff calculated estimated ADT using a standard trip generation of 10 trips per single family dwelling. Given that about 8 properties are located on Squirrel Lane, Squirrel Lane would have approximately 80 ADT and as 11 properties use Studebaker Lane for access, Studebaker Lane would have approximately 110 ADT. The subject property could be divided into 2 lots. Based on projected land uses arising from the proposed zone change this proposal would likely generate an additional 10 ADT.

Traffic counts are not available for Big Ravine Drive from the Flathead County Road and Bridge Department. However, comments received from the Flathead County Road and Bridge Department stated, “At this point the County Road Department does not have any comments on this request.” It is anticipated that because Studebaker Lane and Squirrel Lane are gravel two lane roads, Big Ravine Drive is a paved two lane county road, the Road and Bridge Department has no comment, and given the low estimated traffic generated by this proposal, the three roads would be capable of handling the increased traffic.

There is no existing bike/pedestrian facilities currently located along Squirrel Lane and no future bike/pedestrian trail is identified on Squirrel Lane in the Flathead County Trails Plan.

Finding #11: Effects on motorized and non-motorized transportation systems will be minimal because the existing road infrastructure appears adequate to accommodate the change in zoning, this proposal would likely generate an additional 10 ADT and the change will not have an impact on the bicycle/pedestrian trails in the county.

3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

According to the application, “The subject property is not located within close proximity of a City or town. The existing zoning designation and the proposed designation are both ‘Rural’ in land use and density.” The City of Whitefish which is the nearest municipality to the subject property is located about 2.1 miles northeast of the property. The Whitefish City-County Growth Policy Future Land Use Map, adopted by the City of Whitefish in 2007, does not include the subject property. Additionally, no comments were received from the City of Whitefish.

Finding #12: Consideration has been given to the compatibility of the proposed zoning map amendment to the City of Whitefish’s urban growth, no comments were received from the City of Whitefish to indicate concern or interest, and it has been determined that the property is located beyond the

extent of the 2007 Whitefish City-County Growth Policy Future Land Use Map, therefore there is no plan with which to be compatible.

4. The character of the district(s) and its peculiar suitability for particular uses;

The Blanchard Lake Zoning District is mostly a mix of agricultural and suburban agricultural zoning, with some business zoning along Highway 93. The property is currently vacant except for an old out house. The surrounding properties to the north, south, and east appear to be used for single family residential. The properties to the west are all vacant tract land which are a part of a previously approved preliminary plat that was approved for single family residential. The application states, "The subject parcel is a forested 20.7 acre tract." Staff confirmed through aerial imagery and on the site visit the property and neighboring properties are heavily forested and the neighboring properties contain single family homes.

As previously discussed, the permitted and conditional uses listed within a SAG-10 zone are similar to the permitted and conditional uses in the current AG-20 zone. Also the subject property is adjacent to a large SAG-10 district and the same uses that are allowed within the adjacent SAG-10 to the west would be allowed within the proposed SAG-10. The zoning map amendment would allow uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing agricultural zoning and neighboring suburban agricultural zoning.

The four tracts to the south of the subject property are 20.2 acres in size. The tracts directly to the east range in size from 5.0 to 61.3 acres, with a majority of the tracts 10 acres or less. The tracts to the southeast range in size from 5.0 acres to 158.2 acres with the majority of the tracts 5 acres in size. Southwest of the subject property the four tracts average 38.0 acres, west of the property the two tracts average 61.9 acres and to the northwest the two tracts average 64.9 acres, however all the tracts to the southwest, west and northwest are part of a previously approved preliminary plat for 10 acre lots (Whitefish Hills Forest). The tracts to the north range in size from 7.0 acres up to 20.2 acres and average 14.76 acres. Northeast of the subject property the properties range in size from 2.9 acres to 100.9 with the majority of the properties between 2.9 acres and 8.0 acres. Many of the neighboring parcels have similar lot sizes to what is permitted in the proposed SAG-10 zoning.

Finding #13: The character of the proposed zoning map amendment appears suitable for the particular district because the uses permitted and conditionally permitted within the SAG-10 zoning are similar to what is allowed and existing in the current AG-20 zoning and neighboring SAG-10 zoning and the minimum lot size allowed in SAG-10 is similar to existing lots in the area.

5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The adjacent properties are all heavily forested, and developed with single family residence and accessory structures. According to the applicant, "The

permitted and conditionally permitted uses of the proposed zoning designation of SAG-10 are almost identical to that of the existing AG-20 zoning classification. The primary difference between the two zoning designations is the density where the proposed zoning designation has a minimum lot size of 10 acres per lot and the existing zoning designation has a minimum lot size of 20 acres per lot.” The uses allowed within the SAG-10 zone are similar to what is permitted and what currently exists in the surrounding AG-20 and adjacent SAG-10 designations. Furthermore, as discussed earlier the property is not prime agricultural land or environmentally sensitive land so 10 acre lots seem appropriate. Allowing the requested zoning amendment on the subject property could conserve the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area.

Finding #14: This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-10 designation allows for similar uses to the surrounding AG-20 and the same uses as the adjacent SAG-10 designation, and the property is not prime agricultural land or environmentally sensitive.

iv. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The location of the proposed zoning map amendment is not directly adjacent to any city. The nearest municipality is the City of Whitefish, the city limits of which are located approximately 2.1 miles northeast of the property. Agency referrals were sent to the City of Whitefish Planning Department but no comments were received regarding the proposal. The application states, “The nearest City Zoning is the Whitefish Extra-Territorial Zoning Planning/Zoning Jurisdiction which extends two miles outside of the City Limits is located just east of Big Ravine Drive. The City’s zoning is comprised of AG-20 and SAG-5 in proximity to the applicant’s property.” Since the application was submitted the County has taken over jurisdiction of the extraterritorial area and the AG-20 and SAG-5 zoning referenced by the applicant is within the County’s jurisdiction.

The closest zoning within the City of Whitefish appears to be WA approximately 2.1 miles northeast of the subject property. According to Section 11-2A-1 of the Whitefish Zoning Regulations the WA district is, *‘intended for areas for silviculture, agricultural functions, outdoor recreation purposes, open spaces or future development, and for detached single-family homes with customary farm and/or accessory buildings situated in a setting conducive to a rural lifestyle.’* The minimum lot size in WA is 15 acres which is between the minimum lot sizes of existing AG-20 and the proposed SAG-10. The proposed SAG-10 zoning classification permitted and conditional uses are similar to the uses allowed within the Whitefish WA zoning classification. There are several uses that are listed as permitted and conditional uses in the SAG-10 that are not list in the WA, however, the proposed SAG-10 is, as nearly as possible, compatible with the zoning ordinances of nearby municipalities

Finding #15: The proposed map amendment appears to be compatible with the zoning regulations of the City of Whitefish because Whitefish's WA zoning designations permitted and conditionally permitted uses are similar to the proposed SAG-10 zoning and the minimum lot size in WA is 15 acres which is between the minimum lot sizes of the existing AG-20 and proposed SAG-10 zones.

V. SUMMARY OF FINDINGS

- 1) The proposed zoning map amendment from AG-20 to SAG-10 does not appear to constitute spot zoning because the proposed zone change would allow for the same uses permitted throughout the existing SAG-10 zoning to the west, similar uses to what is allowed within the existing AG-20 and maintains the rural character of the overall zoning district.
- 2) The proposed zoning map amendment from AG-20 to SAG-10 generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the 'Agriculture' land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.
- 3) The proposed zoning map amendment from AG-20 to SAG-10 does not appear to comply with the Whitefish City-County Master Plan Map Year 2020 because the proposed zoning classification is not compatible with the future land use map designation of 'Limited Rural Residential' which calls for densities of one dwelling unit per 20 acres or more and the SAG-10 requires a density of one dwelling per 10 acres or more.
- 4) The proposed zoning map amendment appears to comply with the overall text of Master Plan because the property is not located in an area designated as important farm lands, has not been historically used as farm land, is not considered productive agricultural lands, and development of 10 acre lots would not require the extension of public services.
- 5) The proposed map amendment is not specifically designed to secure safety from fire because it would allow for an additional house in the WUI, however, emergency services are available, and other agency comments indicate defensible space can be used as mitigation, the combination of which lowers the risk to an acceptable level.
- 6) The proposed map amendment would secure safety from flood risk because the property is not in the 100 year floodplain.
- 7) The proposed zoning map amendment would not have a negative impact on public health, safety and general welfare because the property is served by the Whitefish Rural Fire Department, Flathead County Sheriff, future development would be similar to uses already permitted and conditionally permitted in the current AG-20 zoning, and emergency service providers can anticipate likely emergencies based on similar existing and proposed uses.
- 8) The proposed zoning map amendment would facilitate the adequate provision of transportation because the existing infrastructure appears adequate to accommodate the change in zoning, the County Road Department had no comments regarding this proposal and the traffic generated from this proposal would be approximately 10 average daily trips.

- 9) The proposed zoning map amendment would not hinder the adequate provision of water, sewer, schools and parks because the applicant will utilize individual septic systems and wells which will require future review, the proposal may generate school children which the school districts would be able to accommodate and there are numerous parks, natural areas, and recreational opportunities in the vicinity.
- 10) The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the proposed SAG-10 designation.
- 11) Effects on motorized and non-motorized transportation systems will be minimal because the existing road infrastructure appears adequate to accommodate the change in zoning, this proposal would likely generate an additional 10 ADT and the change will not have an impact on the bicycle/pedestrian trails in the county.
- 12) Consideration has been given to the compatibility of the proposed zoning map amendment to the City of Whitefish's urban growth, no comments were received from the City of Whitefish to indicate concern or interest, and it has been determined that the property is located beyond the extent of the 2007 Whitefish City-County Growth Policy Future Land Use Map, therefore there is no plan with which to be compatible.
- 13) The character of the proposed zoning map amendment appears suitable for the particular district because the uses permitted and conditionally permitted within the SAG-10 zoning are similar to what is allowed and existing in the current AG-20 zoning and neighboring SAG-10 zoning and the minimum lot size allowed in SAG-10 is similar to existing lots in the area.
- 14) This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the SAG-10 designation allows for similar uses to the surrounding AG-20 and the same uses as the adjacent SAG-10 designation, and the property is not prime agricultural land or environmentally sensitive.
- 15) The proposed map amendment appears to be compatible with the zoning regulations of the City of Whitefish because Whitefish's WA zoning designations permitted and conditionally permitted uses are similar to the proposed SAG-10 zoning and the minimum lot size in WA is 15 acres which is between the minimum lot sizes of the existing AG-20 and proposed SAG-10 zones.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with most the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM